

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DARCY CORBITT, *et al.*,)
Plaintiffs,)
v.) CASE NO. 2:18-cv-91-MHT-SMD
HAL TAYLOR, *et al.*,)
Defendants.)

PLAINTIFFS' UNOPPOSED MOTION FOR STATUS CONFERENCE

Plaintiffs respectfully move this Court for a status conference in this action. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their initial Complaint on February 6, 2018. Doc. No. 1. The Parties conducted discovery, culminating in cross-motions for summary judgment and evidentiary submissions. *See generally* Doc. Nos. 46–62.
2. At oral argument on July 30, 2019, the Parties agreed to submit the case on the record. *See* Doc. No. 69 at 1. The Court denied the Parties' motions for summary judgment and reserved the decision of “whether to decide the case on the paper record or to hold a trial as to some or all issues.” *Id.*
3. On September 3, 2020, the Court requested supplemental briefing on, among other issues, whether the Court should “hold a hearing to determine whether the defendants’ interest in law enforcement identification is ‘hypothesized or invented post hoc in response to litigation.’” Doc. No. 81 at 2. The Parties concluded supplemental briefing on September 25, 2020. *See* Docs. No. 84, 85.
4. On September 28, 2020, Plaintiffs moved for an expedited ruling, because Plaintiff Darcy Corbitt’s out-of-state driver’s license was set to expire on September 30, 2020, and she

would be unable to drive to work, school, or medical appointments without a valid license. *See Doc. No. 86.*

5. The Court held a status conference on September 29, 2020, at which time counsel for Plaintiffs raised the possibility of moving for a temporary restraining order or preliminary injunction. *See Doc. No. 88.* As a result of the conference, the Plaintiffs chose not to submit a motion for interlocutory relief while the motion for expedited review remained pending.

6. The Court granted the motion to expedite on October 23, 2020. Doc. No. 93. The Court further notified the Parties by email communication from chambers on December 16, 2020, that the Parties would hear from the Court soon.

7. Plaintiffs appreciate the Court's prioritization of this matter and understand that further communication on this matter will be forthcoming from the Court soon. However, recent events have led to greater urgency for Ms. Corbitt, as explained briefly below, and more fully in her declaration, which is attached as Exhibit A.

8. Ms. Corbitt has been without a valid license for over three months. This has led to various hardships, including missing a family member's funeral. *See Ex. A, ¶ 11.*

9. Ms. Corbitt leases her own home, however, she moved in with family members because, without the ability to drive, she needed to be closer to her school and work locations. Indeed, she has no way to grocery shop, instead relying on others to drive her. *See id., ¶ 13.*

10. On the evening of January 6, 2021, Ms. Corbitt had to flee violence in her family's home. She checked into a nearby hotel. She fears for her safety if she returns to her family's home and does not know what to do. She cannot safely stay with her family anymore or rely on them for help with transportation. She cannot afford to stay in a hotel and pay for rides long-term. She will

not be able to get to work, school, or medical appointments if she returns to her own home. *See id.*

¶¶ 14–18.

11. Plaintiffs respectfully request a status conference to seek the Court's guidance on whether, in light of these changed circumstances, it is appropriate for Plaintiffs to move for a temporary restraining order seeking issuance of a temporary or provisional license for Ms. Corbitt listing her sex as female.

12. Plaintiffs' counsel conferred with Defendants' counsel and Defendants do not oppose this Motion.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court hold a status conference with the Parties.

Respectfully submitted this the 11th day of January 2021.

s/ LaTisha Gotell Faulks
LaTisha Gotell Faulks (ASB-1279I63J)

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CERTIFICATE OF SERVICE

I certify that I have, on January 11, 2021, electronically filed the foregoing pleading with the Clerk of the Court, using the CM/ECF filing system which serves all counsel of record.

/s/ LaTisha Gotell Faulks
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